DEMAND XIV—ADMINISTRATION OF JUSTICE.

Mr. K. G. Kunjukrishna Pillai : Sir, I rise to move for a grant of Rs. 12,45,577 under Demand XIV—Administration of Justice.

Mr. James Fletcher : Sir, I have very great pleasure in supporting this Demand. This year we had the advantage of seeing a new building for the High Court, the District Court and the Munsiff's Courts, namely the Sri Mulam Buildings. The buildings were not till then known to the public as so very spacious and grand. When the courts are housed there, we find that it is a very palatial building suitable for the courts and the small opposition which came from some of the Advocates has disappeared after the courts have gone to the place. We do not have a building equal to that in the whole of Trivandrum. Perhaps a few more constructions may be required to make that area more suitable for the lawyers. I would suggest that Government may be pleased to construct further structures for the convenience of the Advocates. So far as the court buildings are concerned, they are very spacious. But because that locality was not used for this purpose, many further amenities are required.

President : The House will now adjourn and meet again at 3 P. M.

The House adjourned at 2 P. M. and reassembled at 3 P. M., Mr. G. Narayana Aiyar, one of the Panel of Chairmen, presiding.

Mr. James Fletcher : Sir, I was referring to the amenities that ought to be provided for the advocates near the Sri Mulam Buildings. I must specify one or two important needs. Firstly I would suggest an Advocate's Association room of a reasonable size to be constructed for Association's affairs. Secondly Advocates' offices, if possible, at a reasonably low rent be constructed near the Sri Mulam Buildings so that many of the lawyers who have their houses far away can have their offices near the High Court. I may refer, Sir, to the fact that in the Madras High Court buildings they have got Advocates' rooms. In the same style we can have sets of rooms here also. I may also state that the Sri Mulam buildings are constructed at a place where the level of land is very low. The Chief Engineer would be able to say that it is the lowest area in this part of the City.

Mr. T. Krishna Pillai : Is it the member's idea that the building is not sufficient for the housing of Courts ?

Mr. James Fletcher : No, Sir. I am referring to the surrounding lands. All waters from the Thampanoor valley, from the Fort area, and other places naturally get collected there on account of the low level, so much so, that place is slightly swampy.

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My submission is that, the draining of water may be done on a good scale, so that the surroundings of the Court building may be made suitable.

Next I would submit that there has been always the cry of delay in the disposal of cases. My submission is that, there may be necessity for certain delay in certain cases. There may be instances where cases may be disposed of quickly. There are other cases which involve very complicated questions of fact and of law as a result of which they have to be delayed. In any event we all know that law delayed means rights more or less denied. There must be as much quick disposal as possible. In this connection I am glad to say that the present Chief Justice is taking very great pains in clearing all the arrears of cases and I hope his efforts would become successful and the delay complained of will not be heard in the near future.

Then I may refer to the remuneration given to the Advocates. In every side, there had been an increase of wages except in the case of those who are doing work with their brains. For example Government servants, Doctors and Lawyers. Of these persons the most hard hit are the Lawyers. If it is possible to find out some means of improving their lot, it will be a very good thing.

Mr. V. Sankara Menon (*Trivandrum and Nedumangad cum Chirayinkil*): Does the member suggest that the Lawyers are not being paid?

Mr. James Fletcher: I say that their wages have not increased. But there has been an all-round increase in other cases. Therefore I would submit that remuneration be enhanced.

Mr. Kochickal P. Balakrishnan Tampi: May I suggest to my honourable friend that there are two sets of lawyers: lawyers who get their fees and lawyers who get their wages.

Mr. James Fletcher: There is no such thing at all. The lawyers get only their fees and not wages.

Another point is about the court fees. It is paid into the court at the initiation of the case. Similarly, the advocate's fees also may be deposited in courts and at the conclusion of it, that is, when the case is disposed of, that money may be refunded to the advocate. The advantage of it would be that there would be no desire for delaying the disposal of cases. There will be an impetus on the part of the advocate to see that the cases are disposed of as soon as possible so that he can receive his fees. That would be a method of helping the advocates and at the same time, helping the disposal of cases too.

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Mr. P. N. Nilakanta Pillai: Sir, in supporting the Demand I would suggest that there should be a speedy disposal of cases on the trial side. Even now some courts find it difficult to get enough work during the day on account of the shortage of cases in the court file. This being the fact, I may bring to the notice of Government that the jurisdiction of the Quilon District Court may be a little more enlarged so that the judges there may be given enough work for the day. A lot of progress has been made on the trial side. But I am constrained to observe that on the execution side the delay is still there. A speedy disposal of cases on the execution side is most welcome for the litigant public. I have to observe that on the side of copying section too, even though some stringent rules have been issued, certified copies of records cannot be obtained from courts in due time. Very much delay is experienced in getting copies of records so that I may suggest that copyists may be asked to copy more sheets, at least, up to 25 or 30 sheets a day. I understand that excluding the interval they have 5 hours work and I do not think they will be doing overwork if they are asked to copy up to 30 pages during the course of 5 hours. If so, I think, copies could be made available more easily than at present. In the Budget, Rs. 2,500 is set apart for meeting the expenses of batta and T. A. for witnesses. What I say is, it is a very small sum, and most of the prosecution witnesses appearing before the Sessions Courts are given nothing by way of batta and T. A. That is very hard. During the latter part of the year none of the witnesses on the prosecution side are actually given anything by way of batta and T. A. I think that is due to the deficiency of the fund provided in the Budget. Therefore, a larger sum may be expended on that account so that the people may be induced to come to the court and mete out justice for the purpose of prosecution cases.

In the matter of Bench Magistrates' Courts also I find a very small amount is budgeted for the Trivandrum Bench Magistrate's Court. But with regard to the courts other than this, because they are not bifurcated from the Village Panchayat Courts, I find no adequate provision. There also witnesses appear for the prosecution and it is very hard that they are paid nothing by way of batta and T. A.

Mr. N. Krishna Aiyar: Sir, I heartly support the Demand. From the Administration Report of the year 1117, it is found that there has been a gradual decline in the volume of litigation from the year 1113 to 1116, but there is an increase of litigation in the year 1117. My impression is there will be a gradual dwindling of litigation to a considerable extent as the years go on, mainly for

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the reason that the sources of litigation are diminishing. Perhaps it is a very healthy sign and the adverse effect of it may be that the profession of law will be hit hard and the lawyers may have to divert their energies and attention to other avocations. But that apart, I think it may be considered as a good sign. The Administration Report for 1117 also points out that the work of the subordinate judiciary in the year 1117 has not been very satisfactory, both in the matter of quality and quantity particularly in the disposal of work by the Munsiffs' courts and that the quality of the disposal of the Second Judges courts also requires improvement. I believe the Government will be able to publish a much better report for the current year since it is found that judicial work particularly is progressing considerably during the year both in the matter of quality and quantity. The proverbial delay of litigation in Travancore is considerably less. But the delay in certain matters particularly in the granting of copies as was pointed out by my honourable friend, Mr. Nilakanta Pillai, still exists. There is a provision for getting copies urgently if we apply with special petitions with a half rupee stamp. Even in such cases, it is found that although the object of the court would be to grant copies either on the same day or the next day we get it sometimes only after 3 or 4 days. Whenever there is urgent need for such copies we may have to propitiate the members of the copying section; otherwise it has become difficult to get copies when urgently required. I have brought this aspect of the matter to the notice of Government even last year and it would be highly salutary in the interests of litigant public that some arrangement is made for automatically getting copies within a definite time. Circulars can be issued by the High Court in respect of this matter, for example, a circular to the effect that within 3 days of the application for getting copies, the number of copying sheets required for the copies must be noted and the production of the same may be insisted upon within two or three days after that and the copies should be automatically got ready. In this way, during the course of 6 to 10 days, ordinarily a client or his advocate must be sure of getting the copies. Very often delays have been caused and adjournments have to be given for want of obtaining copies of depositions. I believe that a litt'e more attention should be paid to this matter in order to avoid delays. Mr. G. Narayana Iyer suggested that both sides of the copying sheets should be used for writing. Government have already economised in this matter by making the copying papers lighter than the papers originally used. It will be a matter of greater economy if both sides are used. But I would not advocate for the increase in the price of copying sheets from As. 2 to As. 4.

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[Mr. N. Krishna Aiyar.]

In the matter of execution of decrees delays are sometimes caused on account of the delay in the production of chittas. In the course of my speech on the Land Revenue Demand I pointed out the inordinate delays in the obtaining of chittas from Taluk Offices. It would be quite possible to substitute chittas by the production of copies of Settlement Register. For several years it had been the practice that either chittas or copies from Settlement Registers in regard to the properties may be produced. The copies of Settlement Register would contain the Survey numbers and all other material particulars. For getting copy of chitta one has to produce six copying sheets for each patta number, and then wait for a large number of days on the copyists in the Taluk Cutcherry, because the subordinate courts often insist upon the production of chittas relating to properties sought to be attached or proclaimed for sale.

I would also advocate in the interests of the profession for the enhancement of the scale of Vakils' fee which has been fixed several years ago. Incidentally by question of the enhancement of court-fees may also be considered. It will be seen that all other professions including agriculture are much better off than they used to be. The only profession which has been hit hard in spite of the plethora of money in the country is the Advocates' profession. So it would be in the interests of the profession to enhance the scale of Vakils' fees.

President: It is entirely in the hands of the profession. There is the Bar Council, and if they move in the matter, the High Court is not likely to interfere.

Mr. N. Krishna Aiyar: I would mention a word about recruitment to the judiciary. The chief criterion for recruitment to the judiciary at least, should be efficiency. Considerations of communal rotation, ratio between the Bar and the service, meritorious service, relationship with the members of the judiciary or other officers, and other considerations should not weigh at least in the matter of appointments to the judiciary. I would even go to the extent of saying that a competitive examination may be held for such recruitment wherein members of the mofussil and the members in the metropolis may appear. It is at present found that the Advocates in the metropolis get preference. It may not be the intention of Government but some how or other it so happens in practice.

Lastly, I may also suggest that the scale of salaries of judicial officers may be enhanced. The work of the judiciary appears to be more exacting than the work of the other departments and due preference should be given to the members of the judiciary.

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The scale of salaries was reduced some time ago. I think, in fairness to the good work both in quantity and quality of the judiciary, at least the old minimum level of pay of Rs. 200 for Munsiffs, Rs. 400 for Second Judges and Rs. 500 for District Judges should be restored. The Financial Secretary is attending to the revision of the pay of Government servants and I hope that the case of judicial officers will receive his special attention.

Mrs. Gnanasikhamony (*Nominated*): Sir, I support the motion. In doing so I would like to point out the hardships endured by the people in executing decrees. Nowadays people are forced by circumstances to invest their money in land. In the course of a few more years I believe the money-lending business will cease. But Money already lent must be realised. Sir, there is a proverb "കടം വാങ്ങിനവൻ കടം കൊടുത്തവനുള്ള അടിമ". In the present circumstances, it is just the reverse "കടം കൊടുത്തവൻ കടം വാങ്ങിനവനുള്ള അടിമ". The decree is obtained in its course but the execution part of it is the most difficult. Each and every petition of the defendant is heard, time given and in this way execution is being delayed. The defendant's Vakil seeks other devices to prolong the cases thus causing the plaintiff unnecessary and irrecoverable expenses. In some cases the plaintiffs are even forced to drop the matter altogether losing the capital as well as the expenses incurred in the attempt to recover the capital. Such instances are indeed heart-rending. There are small cause suits 12 and 13 years old in the Law Courts. People taking advantage of the Debt Relief Act try to drag the execution even at the last stage of prosecution by getting a stay under some protext or other. Such disappointments and hardships are being experienced by many simple, plain and ordinary men who just lent their money to help their friends. So my appeal is that those who administer justice should see that the real and good intention of the laws are carried out. With these words I support the demand.

Mr. Kochickal P. Balakrishnan Tampi: Sir, I wish to speak a word about the administration of justice because Mr. Krishna Aiyar was bringing out propositions which are not acceptable to many men in the profession. It is very queer indeed—it was suggested that a lawyer of twenty or thirty years standing should sit for an examination for a place in the judiciary. I am afraid that if we are to sit in a competitive examination, the briefless lawyer will succeed.

President: Certainly, the lawyer of standing will fail. (*Laughter*).

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Mr. Kochickal P. Balakrishnan Tampi : So it is always the studious and briefless variety that will come out successful. But that is not the quality that is required in judicial administration. Therefore the old method of picking out men of character should be the best method of recruiting judges. I also wish to point out to this House that it is not always easy and wise to speak about the delay in the matter of administration of justice. I am not unaware of the old proverb that delay would amount to denial of justice. But the non-lawyer may not know that the law at present is a very complicated one. If people were only wishing for Homeric justice, it is a justice which can be dispensed in the course of an afternoon. But if the justice has to be administered according to the Civil Procedure Code—which by the way is a wonderful work of art—the checks and counter-checks for the plaintiff and the defendant—if the law is to be administered according to the Civil Procedure Code undoubtedly there will be certain necessary delay. If either House puts political pressure upon the administration of justice there is the risk of the quality of justice suffering. If for statistical satisfaction any judge is going to sacrifice quality, that will be a bad day for judicial administration.

Therefore, the honourable members of this House, in their anxiety for the efficiency of judicial administration should not overemphasise on delay. I do not deny that there may be cases of delay and special reference was made to execution. Execution is not a simple affair as was suggested here. An execution case might sometimes be a more complicated affair than an original suit. Witnesses have to be examined, and documents have to be filed. Therefore for a person to say that execution cases can be easily dealt with would not be correct. I am glad that my friend referred to the necessity of making Vanchiyoor more loveable by lawyers. When all of a sudden all the law courts were centered there lawyers felt very great inconvenience and I trust that this Government will in consultation with the Municipality or the different associations of Advocates do something to provide Chambers sufficiently near the courts or within the premises of the High Court.

President : Government are attempting to do that.

Mr. Kochikal P. Balakrishnan Tampi : As regards the enhancement of the fee, the court-fee or the Vakil's fee, it is not the time to attempt such things. There is no difficulty for any lawyer to fix his fee. At any rate this is not a time to enhance the lawyer's fee or court-fee. If we are assured of a steady season of prosperity after the war then it is time for the then Legislature to consider the question of the enhancement of fee.

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Mr. G. Narayana Aiyar: I support the demand. The location of all the courts in Trivandrum in the very same building is a relief not only to lawyers but to the clients also. As regards the suggestion of increasing Vakil's fee, if my information is correct, the same has been taken and settled and will be on us very soon.

Going to the administration of justice in this State it is regrettable to submit that Government have made in their report the following statement :—

> "Government note with regret the deterioration in the quality of work and cannot but view it with concern."

We will see whether the remark is well-founded or something is to be said against that. If my information is correct there are 35 permanent District Munsiffs' courts in a State of 30 taluks. Owing to the increase in the number of cases five Temporary Munsiffs' courts were established. Thus the number of Munsiffs' courts already existing is forty. Page 4 of the Administration Report of Civil Justice, 1117 reveals :—

> "It can be seen from the above statement, that during the year under report, there was a decided rise in the total volume of litigation by 4,699 or 9·99 per cent. There was also a rise in original litigation by 2,206 or 6·82 per cent and in appellate litigation by 1,793 or 4·27 per cent.

Though the original statement discloses a decrease of 6,456 cases in original litigation in the year under report from the average in the quinquennial ending with the previous year, it may be noted that the corresponding decrease in 1116 was 14,052 cases. The temporary rise in litigation can be accounted for by the prevailing increase in price of agricultural products.

1112—61,728
1113—54,210
1114—51,640
1115—49,647
1116—42,603

Average-51,965
1117-45,509

In the course of five years the litigation has gone down to 45,509, in 1117 as compared with 61,728 in 1112. Notwithstanding the decrease in the file and continuance of 40 Munsiff's courts we shall see the nature of the disposal and quality. As for the nature of the disposal reference may be made to page 1 of the Government Proceedings on the Administration of Civil Justice in 1117. We find :—

> "The progress in the disposal of cases has been unsatisfactory. The arrears increased by 1,965 at the end of the year, although the total number for disposal was less by 1,576 suits in 1116. While it is noted that the number of ordinary suits pending for more than 5 years fell from 2,204 in 1116 to 1,931 in 1117, and those pending for more than two years fell from 5,297 to 5,208, yet the average duration of contested ordinary suits rose from 664 days in 1116 to 739 days in 1117, and that of uncontested suits

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from 111 days in 1116 to 122 days in 1117. This delay in the disposal of suits requires attention. The percentage of appeals from decrees of Munsiffs to the number of contested original suits disposed of by them rose from 15·13 in 1116 to 31·22 in 1117."

We will see the quality of disposal also on page 28 :—

"The percentage of confirmation of Munsiffs' decrees fell from 60·78 in 1116 to 52 09 in 1117 and that of modification and reversal also rose from 11·32 and 27·89 respectively in 1116 to 12·34 and 35·57 in 1117."

We will see the execution position on page 16 :—

"The total disposal including 5,311 petitions transferred to other courts was 82,402 against 89,485 in 1116."

From these figures it is very clear that there is deterioration and delay in the disposal. It has to be admitted that the nature of litigation is a bit complicated. That is a standing feature. The facts noted above prove that there is something wrong somewhere. It cannot be attributed to anything else except to the method of recruitment of officers to the judiciary. Now we have six more additional Munsiffs appointed recently to clear off the accumulated arrears raising the total to 46 Munsiffs in a State which has only 30 Taluks.

I can understand in all cases it may not be possible to dispose quickly and satisfactorily. It has to be stated that certain candidates recruited to this service are not competent for the work in this line while it has to be admitted there are competent hands also. It is generally believed that the present system of recruitment is not satisfactory and is responsible for the defect. Efficiency is seldom cared for, most probably because of want of hands within the age limit in particular communities. There are instances where the claims of efficient hands are ignored because they have passed the age limit only by a few days and months. If there are no efficient hands in a community within the age instead of going to the next community the inefficient is appointed. That rule has to be relaxed. I would also suggest that when one officer is not efficient in this line he may be transferred either to the Registration, Anchal, Excise or allied departments which may not require such exacting work. Such a system is in vogue in the Cochin State. The same may be tried and the judicial officers may be selected on better and safer lines and improved.

Then in connection with the recruitment from the Bar, the age for Munsiffs is fixed as 34. Under ordinary circumstances one passes the B. L. at the age of 25 or 28 unless he is exceptionally bright. There he has his starvation period. Naturally he begins to get some practice at the age of 34 or 35. Then he puts in his claims for a Munsiff's place. His claim has to be accepted because the efficient are past that age.

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President : What is your suggestion?

Mr. G. Narayana Aiyar : I suggest that the age may be fixed between 35 and 40. Let 35 be the minimum age and 40 maximum for recruitment as Munsiffs. No age limit is fixed for recruitment from the service and those more than 35 are selected from the service for the posts of Munsiffs.

Mr. Kochickal P. Balakrishnan Tampi : When it is 40 also there may be some trouble.

Mr. G. Narayana Aiyar : There will be gain in the pension amounts if elders are selected. I would also suggest another change. If there is not a proper candidate in a particular community available for selection why not go to the next community and appoint the efficient candidate that is available? Such a change may also help efficiency. Generally, only those who have appeared before the High Court used to be appointed as Munsiffs. Claims of mofussil hands are ignored. That is also a difficult rule.

Mr. K. G. Kunjukrishna Pillai : There is no such rule.

President : On the other hand it is publicly well recognised that a person having practice anywhere in the country is appointed. Is there any doubt about that?

Mr. G. Narayana Aiyar : Such appointments are exceptional. It is only on rare cases that practitioners from mofussil courts are selected. That must be the rule. I submit that the practice in British India of preserving a list of competent advocates practising in the mofussil may be followed here, and similiar lists prepared and occasionally selection made from such lists also.

Rajyasevapravina G. Parameswaran Pillai : Even the latest recruitment of a munsiff is from the Quilon Bar.

Mr. K. G. Kunjukrishna Pillai : Sir, may I, at the outset, thank the honourable members for the very valuable and constructive suggestions offered in this House on this matter? All these suggestions will be placed before the Honourable High Court for their serious consideration. So far as it lies with Government, Government will also consider the matters that have been discussed on the floor of the House. Honourable members will not expect me to deal with each one of the points raised in this House to-day but the important points that have been raised, I will try my utmost to meet in the short time that is at my disposal.

The first and the most important point discussed on the floor of this House is with regard to the new Sri Mulam Buildings in which the High Court and the other Courts are now housed. I may at once say, Sir, that with regard to the Advocates' Chambers and

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[Mr. K. G. Kunjukrishna Pillai.]

with regard to the quarters for advocates and other necessary conveniences for the advocates practising in the Courts of Trivandrum, Government are seriously considering and taking steps to see that as far as possible, advocates' chambers and quarters are put up at the earliest possible moment. In this connection, I may point out to the advocate members of this House that there was a proposal from the Advocates' Association to the effect that if lands were made available, the advocates may themselves put up buildings on a co-operative basis. I understand that the Government considered the proposal and was prepared even to help with advancing money for the purpose, provided a proper co-operative institution was started, and the work commenced. I understand no response as yet has come forward. And I may assure the House on behalf of the Government that every attention will be paid to the needs of advocates.

President: Even now that offer is open. What was definitely mentioned by Government was that, individually Government could not deal with the matter and take up the whole task. If, for instance, they gave chambers for one advocate or one Advocates' Association, it will give rise to all sorts of complications when other people begin to ask for similar things. It was, therefore, suggested that the Advocates' Association might form a joint or co-operative organisation and then the Government would advance money and they can go on doing the work. I hope that proposition will commend itself to the advocates even now.

Mr. Kochickal P. Balakrishnan Tampi: May I point out that it was not communicated to the Association?

President: Order, order. A deputation waited on me, or rather two honourable members of the Bar waited on me and I told them this. Whether it has been communicated or not, I am making the offer now and here, and if, through the Advocates' Association, a co-operative organisation is started, Government will only be too glad to help that organisation. They are acquiring a lot of lands in that area. They can set apart a portion for the chambers or quarters or whatever it is. They are only too anxious to help them and we are ready to advance money.

Mr. K. G. Kunjukrishna Pillai: The other point is with regard to the precincts of the Sri Mulam Buildings and the surroundings. May I state, Sir, with your permission, that the Government are taking steps under the Town Planning Scheme to make the High Court precincts as presentable and as beautiful as possible, because it is the idea of Government that the High Court Buildings here ought to be second to none in India. So, on that question, every effort is being made and every step is being taken

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that the High Court Buildings and premises are worthy of the great traditions of the High Court.

With regard to the delay in the disposal of suits, any one clear cut solution is out of the question. The delay is due to various causes and honourable members of this House are aware of the appointment of a Law's Delays Commissioner. A very distinguished set of people sat on the question and published a very illuminating report and the conclusions are before the honourable members of this House for a fairly long time. May I be permitted to state that the question of the delay could not, to any appreciable extent, be solved unless three factors co-operate, the Courts, the litigant public and the advocates concerned. I am glad to be able to state that so far as courts are concerned steps are being taken to avoid delay to the utmost possible extent without sacrificing to the least possible extent, the efficient and strict administration of justice. I am asking and imploring the advocate members of this House and other advocates that they should help in seeing that cases are not delayed for any fault of theirs.

Another matter raised here is with regard to advocates' fees. Will you permit me to make a personal observation? Whatever may be the fees fixed, according to the rules, the advocate who is capable will be making a sufficiently good income on account of fees for himself, for his family, and for three generations that are to come. But a minimum fee is always fixed in the hope that at least that amount will go into the pockets of the advocates, and I understand that just at present the Bar Council in consultation with the High Court is revising the scale of fees to some extent, though that matter is not yet complete. As a matter of fact the Vakil's fee will depend upon the Vakil himself, irrespective of any rules that the High Court or the Government may make on the matter.

With regard to the delay in getting copies, I may submit, Sir, in defence of the hard-working clerks, that the number of applications for copies is so great that it is very often impossible even for a conscientious and hard-working clerk who goes to office at 9 o' clock in the morning and remains till 9 at night, to deal with all the applications without giving room for complaint. Honourable members will also agree with me that in particularly urgent cases, copies are made available from time to time with the least delay. Copying a sheet is not only a tiresome business but takes time. It has to be copied, has to be compared and has to be placed before the proper authority for signature—all these things must necessarily take some time. I may suggest as an advocate myself, that

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[Mr. K. G. Kunjukrishna Pillai.]

applications may be made early enough because it is usually found that no copy is urgently necessary in the day after it is applied for. If copying sheets are presented in courts early enough, in the majority of cases, complaints may not arise.

Mr. James Fletcher: May I suggest that instead of copying, why not typing be introduced in our courts, in which case it could be done more quickly.

Mr. K. G. Kunjukrishna Pillai: In fact, I was just going to mention that. That is being done to some extent. But honourable members will please consider another matter in this connection. If typing of copies is adopted throughout the State, a large number of clerks will be thrown out of employment.

President: But the honourable member forgets that there are no typewriters in India.

Mr. K. G. Kunjukrishna Pillai: Then a suggestion was made by an honourable member that permission may be given to write on both sides of a copying sheet. That is being done. Instructions have been given to that effect and that is being followed.

Mr. G. Narayana Aiyar: They write on both sides of the sheets but they still charge a fee of 7 or 7½ chuckrams as of old.

Mr. K. G. Kunjukrishna Pillai: Then, with regard to the delay in the execution of cases. A circular has been issued by Government to all courts in regard to that matter.

Mr. Kochickal P. Balakrishnan Tampi: May I know when that circular was issued? To my knowledge, not till last week, has it been communicated.

Mr. K. G. Kunjukrishna Pillai: Probably the delay for the communication to reach Alleppey from Trivandrum must be at the root. From personal knowledge, I can say that it is being done. Later in the day, if the honourable member wants the information, I shall give him the actual date when that circular was issued.

With regard to the recruitment of Munsiffs, I am surprised at the suggestion of Mr. Krishna Aiyar. That we should sit for an examination after 20 or 25 years' experience at the Bar and to be told that the man who gets a pass by some stroke of luck, would be preferred would be very hard for us. At any rate, I am personally glad that that has not found favour with the Government so far.

With regard to the recruitment again, the Government have issued an order in 1937 which lays down categorically

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the rules that shall apply in the case, and the Government are strictly keeping up to it. I hope the honourable High Court is also giving effect to the Government order.

Considering the recruitment in the way suggested by my honourable friend, Mr. G. Narayana Aiyar, that those who are found unfit in this Department, might be found to be fit elsewhere, personally I do not think that anybody who is unfit in one Department is fit for another. Apart from that, when a man has been recruited to the Judicial Department, and when he has gained some experience in that line, where is the good of sending him away to another department, where at the beginning at least he will have no experience? And even there before he gains any considerable experience he may have done some mistakes, and then is he to be judged unfit for that work and sent away to another, where the same experience will naturally be repeated? That does not seem to be a very attractive suggestion. Nevertheless, all these matters will be considered by the Government and by the High Court.

President: Before putting this demand to vote, I have to make one observation with regard to the question of delays. It is perfectly true that too great a haste in the disposal of cases might lead to hastily prepared and therefore imperfect judgment. But the delays are mainly due not to the amount of time that it requires for the hearing and disposal of cases. They are caused by endless adjournments for one reason or other. At the risk of being slightly personal, I may say that, in the numerous cases that I have to hear in the capacity of the Head of the Administration, the only adjournments that I give are those where I am satisfied that the lawyers who appear before me have not received their fees. The moment that I come to know that both the lawyers who appear before me have received their fees, then adjournments are refused. It happens very often elsewhere and as this has happened in my case, I can mention it without any diffidence—it very often happens that many of us lawyers, when we happen to be successful, take up more work than we can normally cope with, and we find it very difficult, after having received our fees, to attend to all the cases simultaneously or to hand over the cases to another, and along with them the fees also, and therefore we are constantly asking for adjournments in order that we might have some time to appear in one court and then in another. The uniform rule in England is that the personal convenience or the possibility of a particular lawyer appearing or not appearing in a case, is no ground for an adjournment, and that is why the very wholesome

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[President.]

custom has sprung up in England of every case of some importance having two lawyers engaged for one side, so that one lawyer can attend in the absence of the other. It is not as a counsel of perfection, but as a matter of urgent and imperative necessity, that I am urging this on the profession, on the judiciary and on the public of Travancore. From my own experience of litigation in Travancore, both as a lawyer and as an administrator, I may say that next to the cinema and similar amusements, litigation is a secondary amusement and I feel that the public rather resents the absence of such an amusement. But if they want that amusement, they must be prepared to pay for the amusement. And I submit that the lot of the junior lawyer, which is a minor political problem, and the lot of the litigant, which is a major judicial problem, or rather, administrative problem, will both be solved only if judicial officers throughout the State set their faces strictly against adjournments of whatever kind, for the convenience of the lawyers concerned, or upon very flimsy medical certificates or pretexts of marriages or festivals or fasts or slight illnesses or performance of a vow and so forth. It is only if these entirely superfluous adjournments are given up that we can possibly deal with this question. I have seen diaries of cases in which 45 adjournments were given without assigning any reason. Any one particular case is posted, the judge takes it up, and adjourns it for two months and sometimes the lawyer asks for still further and it comes up months later. This is the reason for the delay. I have made it a rule—I do not wish to keep that a secret—that when I find a particular judge is giving too many adjournments on grounds which are not justifiable, I make a note of that judge's name and keep that name prominently in mind when his name comes before me at any time.

I want this to be perfectly understood. I am pleading from the point of view of efficiency in the conduct of a case. There is no point in a senior lawyer deserting a client at the last moment and leaving the junior lawyer to mishandle the case. From the beginning, it ought to be understood that the senior lawyer will not be entitled to an adjournment in the High Court or in any other court. If he is not able to attend, if he is not able to do justice to the case, or if he is not prepared to argue the case, he must have another person to conduct his case. In that way only, the profession will grow comradeship and in that way alone will the arrears be cleared. I am speaking to this House which consists of lawyers and through those lawyers to the profession outside and through them also to the judiciary.

The motion was passed and the grant was made.

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